

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
JOHN HALEBIAN, individually and	:	
on behalf of all other similarly	:	
situated trust beneficiaries	:	No. 06-cv-4099 (NRB)
and derivatively on behalf of	:	ECF CASE
CITIFUNDS TRUST III,	:	
	:	
Plaintiff,	:	
	:	<u>NOTICE OF APPEAL</u>
-against-	:	
	:	
ELLIOT J. BERV, DONALD M. CARLTON,	:	
A. BENTON COCANOUGH, MARK T.	:	
FINN, STEPHEN RANDOLPH GROSS,	:	
DIANA R. HARRINGTON, SUSAN B.	:	
KERLEY, ALAN G. MERTEN, and	:	
R. RICHARDSON PETTIT,	:	
	:	
Defendants,	:	
	:	
-and-	:	
	:	
CITIFUNDS TRUST III,	:	
	:	
Nominal Defendant.	:	
-----X	:	

PLEASE TAKE NOTICE that plaintiff John Halebian hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment, filed and entered on July 26, 2012, which denied plaintiff's motion to amend and motion for discovery; and dismissed plaintiff's action, and the underlying Memorandum and Order of the Honorable Naomi Reice Buchwald, filed on July 23, 2012, which denied plaintiff's motion to amend and motion for discovery; and granted defendants' motion for summary judgment.

Dated: August 17, 2012

By:

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